

The Gazette of India



EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

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LOK SABHA

The following Bill was introduced in Lok Sabha on the 19th August, 1961:—

*BILL No. 45 OF 1961

A Bill to provide for the regulation and control of training of apprentices in trades and for matters connected therewith.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Apprentices Act, 1961.
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and differ-
10 ent dates may be appointed for different States.
(4) The provisions of this Act shall not apply to—
(a) any area or to any industry in any area unless the Central Government by notification in the Official Gazette specifies that area or industry as an area or industry to which the said
15 provisions shall apply with effect from such date as may be mentioned in the notification;
(b) any graduate or diploma apprentice undergoing training in accordance with any scheme framed by or with the approval of the Government;

Short title,
extent, com-
mencement
and applica-
tion.

*The President has, in pursuance of clause (3) of article 117 of Constitution of India, recommended to Lok Sabha the consideration of the Bill.

(c) any special apprenticeship scheme for imparting training to apprentices in non-designated trades.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “apprentice” means a person who is undergoing apprenticeship training in a designated trade in pursuance of a contract 5 of apprenticeship;

(b) “Apprenticeship Adviser” means the Central Apprenticeship Adviser appointed under sub-section (1) of section 26 or the State Apprenticeship Adviser appointed under sub-section (2) of that section; 10

(c) “Apprenticeship Council” means the Central Apprenticeship Council or the State Apprenticeship Council established under sub-section (1) of section 24;

(d) “appropriate Government” means,—

(1) in relation to— 15

(a) the Central Apprenticeship Council, or

(b) any establishment of any railway, major port, mine or oil field, or

(c) any establishment owned, controlled or managed by— 20

(i) the Central Government or a department of the Central Government,

(ii) a company in which not less than fifty-one per cent of the share capital is held by the Central Government or partly by that Government and part- 25 ly by one or more State Governments,

(iii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government, 30

the Central Government;

(2) in relation to—

(a) a State Apprenticeship Council, or

(b) any establishment other than an establishment specified in sub-clause (1) of this clause, 35 the State Government;

(e) “designated trade” means a trade which the Central Government, after consultation with the Central Apprenticeship Council, may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act; 40

(f) "employer" means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

5 (g) "establishment" includes any place where any industry is carried on;

(h) "establishment in private sector" means an establishment which is not an establishment in public sector;

10 (i) "establishment in public sector" means an establishment owned, controlled or managed by—

(1) the Government or a department of the Government;

1 of 1956.

(2) a Government company as defined in section 617 of the Companies Act, 1956;

15 (3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;

(4) a local authority;

20 (j) "graduate or diploma apprentice" means an apprentice who holds, or is undergoing training in order that he may hold, a degree or diploma granted by any institution recognised by the Government;

(k) "industry" means any industry, trade, business or occupation in which any trade may be specified as a designated trade;

25 (l) "National Council" means the National Council for Training in Vocational Trades established by the resolution of the Government of India in the Ministry of Labour (Directorate General of Resettlement and Employment) No. TR/E.P.-24/56, dated the 21st August, 1956;

30 (m) "prescribed" means prescribed by rules made under this Act;

(n) "State" includes a Union territory;

(o) "State Council" means a State Council for Training in Vocational Trades established by the State Government;

35 (p) "State Government" in relation to a Union territory means the Administrator thereof.

CHAPTER II

APPRENTICES AND THEIR TRAINING

Qualifica-
tions for be-
ing engaged
as an ap-
prentice.

3. A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he— 5

(a) is not less than fourteen years of age, and

(b) satisfies such standards of education and physical fitness as may be prescribed:

Provided that different standards may be prescribed in relation to apprenticeship training in different designated trades. 10

Contract of
apprentice-
ship.

4. (1) No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless—

(a) such person or if he is a minor, his guardian has entered into a contract of apprenticeship with the employer, and

(b) the contract of apprenticeship has been registered with the Apprenticeship Adviser.

(2) Every contract of apprenticeship may contain such terms and conditions as may be agreed to by the parties to the contract:

Provided that no such term or condition shall be inconsistent with any provision of this Act or any rule made thereunder. 20

(3) The Apprenticeship Adviser shall not register a contract of apprenticeship unless he is satisfied that the person described as an apprentice in the contract is qualified under this Act for being engaged as an apprentice to undergo apprenticeship training in the designated trade specified in the contract. 25

Novation of
contract of
apprentice-
ship.

5. Where an employer with whom a contract of apprenticeship has been entered into, is for any reason unable to fulfil his obligations under the contract and with the approval of the Apprenticeship Adviser it is agreed between the employer, the apprentice or his guardian and any other employer that the apprentice shall be engaged as an apprentice under the other employer for the unexpired portion of the period of apprenticeship training, the agreement, on registration with the Apprenticeship Adviser, shall be deemed to be the contract of apprenticeship between the apprentice or his guardian and the other employer, and on and from the date of such registration, the contract of apprenticeship with the first employer shall terminate and no obligation under that contract shall be enforceable at the instance of any party to the contract against the other party thereto. 30 35

6. The period of apprenticeship training, which shall be specified in the contract of apprenticeship, shall be as follows:—

Period of apprenticeship training.

(a) in the case of apprentices who, having undergone institutional training in a school or other institution recognised by the National Council, have passed the trade tests conducted by that Council, the period of apprenticeship training shall be such as may be determined by that Council;

(b) in the case of other apprentices, the period of apprenticeship training shall be such as may be prescribed.

7. (1) The contract of apprenticeship shall terminate on the expiry of the period of apprenticeship training.

Termination of apprenticeship contract.

(2) Either party to a contract of apprenticeship may make an application to the Apprenticeship Adviser for the termination of the contract, and when such application is made, shall send by post a copy thereof to the other party to the contract.

(3) After considering the contents of the application and the objections, if any, filed by the other party, the Apprenticeship Adviser may, by order in writing, terminate the contract if he is satisfied that the parties to the contract or any of them have or has failed to carry out the terms and conditions of the contract and that it is desirable in the interests of the parties or any of them to terminate the same:

Provided that where a contract is terminated—

(a) for failure on the part of the employer to carry out the terms and conditions of the contract, the employer shall pay to the apprentice such compensation as may be prescribed;

(b) for such failure on the part of the apprentice, the apprentice or his guardian shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser.

8. (1) The Central Government after consulting the Central Apprenticeship Council shall, by order in the Official Gazette, determine for each designated trade the ratio of apprentices to workers other than unskilled workers in that trade:

Number of apprentices for a designated trade.

Provided that nothing contained in this sub-section shall be deemed to prevent any employer from engaging a number of apprentices in excess of the ratio determined under this sub-section.

(2) In determining the ratio as aforesaid, the Central Government shall have regard to the facilities available for apprenticeship training under this Act in the designated trade concerned as well as to the facilities that may have to be made available for the training of graduate and diploma apprentices, if any, under any scheme of training for such graduate and diploma apprentices framed or that may be framed by or with the approval of the Central Government. 5

(3) The Apprenticeship Adviser may, by notice in writing, require an employer to engage such number of apprentices within the ratio determined by the Central Government for any designated trade in his establishment, to undergo apprenticeship training in that trade and the employer shall comply with such requisition. 10

(4) Several employers may join together for the purpose of providing practical training to the apprentices under them by moving them between their respective establishments. 15

(5) Where, having regard to the public interest, a number of apprentices in excess of the ratio determined by the Central Government should in the opinion of the appropriate Government be trained, the appropriate Government may require employers to train the additional number of apprentices. 20

(6) Every employer to whom such requisition as aforesaid is made, shall comply with the requisition if the Government concerned makes available such additional facilities and such additional financial assistance as are considered necessary by the Apprenticeship Adviser for the training of the additional number of apprentices. 25

(7) Any employer not satisfied with the decision of the Apprenticeship Adviser under sub-section (6), may make a reference to the Central Apprenticeship Council and such reference shall be decided by a Committee thereof appointed by that Council for the purpose and the decision of that Committee shall be final. 30

Practical and
basic
training of
apprentices.

9. (1) Every employer shall make suitable arrangements in his workshop for imparting a course of practical training to every apprentice engaged by him in accordance with the programme approved by the Apprenticeship Adviser. 35

(2) The Central Apprenticeship Adviser shall be given all reasonable facilities for access to each such apprentice with a view to test his work and to ensure that the practical training is being imparted in accordance with the approved programme:

Provided that the State Apprenticeship Adviser shall also be given such facilities in respect of apprentices undergoing training in establishments in relation to which the appropriate Government is the State Government. 40

(3) Such of the apprentices as have not undergone institutional training in a school or other institution recognised by the National Council shall, before admission in the workshop for practical training, undergo a course of basic training.

- 5 (4) Where an employer employs in his establishment five hundred or more workers, the basic training shall be imparted to the apprentices either in separate parts of the workshop building or in a separate building which shall be set up by the employer himself, but the appropriate Government may grant loans to the
10 employer on easy terms and repayable by easy instalments to meet the cost of the land, construction and equipment for such separate building.

- (5) Where an employer employs in his establishment less than five hundred workers, the basic training shall be imparted to the
15 apprentices in training institutes set up by the Government.

(6) In any such training institute, which shall be located within the premises of the most suitable establishment in the locality or at any other convenient place, the apprentices engaged by two or more employers may be imparted basic training.

- 20 (7) The syllabus of, and the equipment to be utilised for, practical training including basic training shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.

- (8) (a) Recurring costs (including the cost of stipends) incurred by an employer in connection with practical training imparted
25 to apprentices other than those referred to in clause (a) of section 6 shall be borne—

(i) if such employer employs five hundred workers or more, by the employer;

- 30 (ii) if such employer employs less than five hundred workers, by the employer and the Government in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone; and

(b) recurring costs (including the cost of stipends), if any,
35 incurred by an employer in connection with practical training imparted to apprentices referred to in clause (a) of section 6 shall, in every case, be borne by the employer.

Related instruction of apprentices.

10. (1) An apprentice who is undergoing practical training in an establishment shall, during the period of practical training, be given a course of related instruction (which shall be appropriate to the trade) approved by the Central Government in consultation with the Central Apprenticeship Council, with a view to giving the apprentice such theoretical knowledge as he needs in order to become fully qualified as a skilled craftsman.

(2) Related instruction shall be imparted at the cost of the appropriate Government but the employer shall, when so required, afford all facilities for imparting such instruction. 10

(3) Any time spent by an apprentice in attending classes on related instruction shall be treated as part of his paid period of work.

(4) In the case of apprentices who have passed the trade tests conducted by the National Council after having undergone a course of institutional training, the related instruction may be given on such reduced or modified scale as may be considered appropriate by the National Council. 15

Obligations of employers.

11. Without prejudice to the other provisions of this Act, every employer shall have the following obligations in relation to an apprentice, namely:— 20

(a) to provide the apprentice with the training in his trade in accordance with the provisions of this Act, and the rules made thereunder;

(b) if the employer is not himself qualified in the trade, to ensure that a person duly qualified is placed in charge of the training of the apprentice; and 25

(c) to carry out his obligations under the contract of apprenticeship.

Obligations of apprentices.

12. Every apprentice undergoing apprenticeship training shall have the following obligations, namely:— 30

(a) to learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled craftsman before the expiry of the period of training;

(b) to attend practical and instructional classes regularly, 35

(c) to carry out all lawful orders of his employer and superiors in the establishment; and

(d) to carry out his obligations under the contract of apprenticeship.

13. (1) The employer shall pay to every apprentice during the period of apprenticeship training such stipend at a rate not less than the prescribed minimum rate as may be specified in the contract of apprenticeship and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed.

Payment to apprentices.

(2) An apprentice shall not receive any other payment from his employer nor shall he be paid on the basis of piece work or required to take part in any output bonus or other incentive scheme.

14. Where any apprentices are undergoing training in a factory, the provisions of Chapters III, IV and V of the Factories Act, 1948, shall apply in relation to the health, safety and welfare of the apprentices as if they were workers within the meaning of that Act and when any apprentices are undergoing training in a mine, the provisions of Chapter V of the Mines Act, 1952, shall apply in relation to the health and safety of the apprentices as if they were persons employed in the mine.

Health safety and welfare of apprentices.

15. (1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workshop shall be such as may be prescribed.

Hours of work, over-time leave and holidays.

(2) No apprentice shall be required or allowed to work over-time except with the approval of the Apprenticeship Adviser who shall not grant such approval unless he is satisfied that such over-time is in the interest of the training of the apprentice or in the public interest.

(3) An apprentice shall be entitled to such leave as may be prescribed and to such holidays as are observed in the establishment in which he is undergoing training.

16. If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid, so far as may be, in accordance with the provisions of the Workmen's Compensation Act, 1923, subject to the modifications specified in the Schedule.

Employer's liability for compensation for injury.

17. In all matters of conduct and discipline, the apprentice shall be governed by the rules and regulations applicable to workers in the trade in the establishment in which the apprentice is undergoing training.

Conduct and discipline.

Apprentices
are trainees
and not
workers.

18. Save as otherwise provided in this Act,—

(a) every apprentice undergoing apprenticeship training in a designated trade in an establishment shall be a trainee and not a worker; and

(b) the provisions of any law with respect to labour shall not apply to or in relation to such apprentice. 5

Records and
returns.

19. (1) Every employer shall maintain records of the progress of training of each apprentice undergoing apprenticeship training in his establishment in such form as may be prescribed.

(2) Every such employer shall also furnish such information and returns in such form, to such authorities and at such intervals as may be prescribed. 10

Settlement
of disputes.

20. (1) Any disagreement or dispute between an employer and an apprentice arising out of the contract of apprenticeship shall be referred to the Apprenticeship Adviser for decision. 15

(2) Any person aggrieved by the decision of the Apprenticeship Adviser under sub-section (1) may, within thirty days from the date of communication to him of such decision, prefer an appeal against the decision to the Apprenticeship Council and such appeal shall be heard and determined by a Committee of that Council appointed for the purpose. 20

(3) The decision of the Committee under sub-section (2) and subject only to such decision, the decision of the Apprenticeship Adviser under sub-section (1) shall be final.

Holding
of test and
grant of
certificate
and conclu-
sion of
training.

21. (1) Every apprentice who has completed the period of training shall appear for a test to be conducted by the National Council to determine his proficiency in the designated trade in which he has served his apprenticeship. 25

(2) Every apprentice who passes the test referred to in sub-section (1) shall be granted a certificate of proficiency in the trade by the National Council. 30

Offer and
acceptance of
employment.

22. (1) It shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part of the apprentice to accept an employment under the employer. 35

(2) Notwithstanding anything in sub-section (1), where there is a condition in a contract of apprenticeship that the apprentice shall,

after the successful completion of the apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice, and the apprentice shall be bound to serve the employer in that capacity
5 for such period and on such remuneration as may be specified in the contract:

Provided that where such period or remuneration is not, in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable, and the
10 period or remuneration so revised shall be deemed to be the period or remuneration agreed to between the apprentice and the employer.

CHAPTER III

AUTHORITIES

23. (1) In addition to the Government, there shall be the Authorities.
15 following authorities under this Act, namely:—

- (a) The National Council,
- (b) The Central Apprenticeship Council,
- (c) The State Council,
- (d) The State Apprenticeship Council,
- 20 (e) The Central Apprenticeship Adviser, and
- (f) The State Apprenticeship Adviser.

(2) Every State Council shall be affiliated to the National Council and every State Apprenticeship Council shall be affiliated to the Central Apprenticeship Council.

25 (3) Each of the authorities specified in sub-section (1) shall, in relation to apprenticeship training under this Act, perform such functions as are assigned to it by or under this Act or by the Government:

Provided that a State Council shall also perform such functions
30 as are assigned to it by the National Council and the State Apprenticeship Council shall also perform such functions as are assigned to it by the Central Apprenticeship Council.

24. (1) The Central Government shall, by notification in the Constitution Official Gazette, establish the Central Apprenticeship Council and of Councils.
35 the State Government shall, by notification in the Official Gazette, establish the State Apprenticeship Council.

(2) The Central Apprenticeship Council shall consist of a Chairman and such number of other members as the Central Gov-

ernment may think expedient, to be appointed by that Government by notification in the Official Gazette from among the following categories of persons, namely:—

(a) representatives of employers in establishments in the public and private sectors, 5

(b) representatives of the Central Government and of the State Governments, and

(c) persons having special knowledge and experience on matters relating to trade and industry.

(3) The number of persons to be appointed as members of the Central Apprenticeship Council from each of the categories specified in sub-section (2), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as may be prescribed. 15

(4) The State Apprenticeship Council shall consist of a Chairman and such number of other members as the State Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among the following categories of persons, namely:— 20

(a) representatives of employers in establishments in the public and private sectors,

(b) representatives of the Central Government and of the State Government, and

(c) persons having special knowledge and experience of matters relating to trade and industry. 25

(5) The number of persons to be appointed as members of the State Apprenticeship Council from each of the categories specified in sub-section (4), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as the State Government may, by notification in the Official Gazette, determine. 30

(6) The fees and allowances, if any, to be paid to the Chairman and the other members of the Central Apprenticeship Council, shall be such as may be determined by the Central Government and the fees and allowances, if any, to be paid to the Chairman and the other members of the State Apprenticeship Council shall be such as may be determined by the State Government. 35

25. No act done or proceeding taken by the National Council, the Central Apprenticeship Council, the State Council or the State Apprenticeship Council under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Council.

Vacancies not to invalidate acts and proceedings.

26. (1) The Central Government shall, by notification in the Official Gazette, appoint a suitable person as the Central Apprenticeship Adviser.

Apprenticeship Advisers.

(2) The State Government shall, by notification in the Official Gazette, appoint a suitable person as the State Apprenticeship Adviser.

(3) The Central Apprenticeship Adviser shall be the Secretary to the Central Apprenticeship Council and the State Apprenticeship Adviser shall be the Secretary to the State Apprenticeship Council.

27. (1) The Government may appoint suitable persons as Deputy and Assistant Apprenticeship Advisers to assist the Apprenticeship Adviser in the performance of his functions.

Deputy and Assistant Apprenticeship Advisers.

(2) Every Deputy or Assistant Apprenticeship Adviser shall, subject to the control of the Apprenticeship Adviser, perform such functions as may be assigned to him by the Apprenticeship Adviser.

28. Every Apprenticeship Adviser and every Deputy or Assistant Apprenticeship Adviser appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Apprenticeship Advisers to be public servants.

29. (1) Subject to any rules made in this behalf, the Central Apprenticeship Adviser may—

Powers of entry, inspection, etc

(a) with such assistants, if any, as he thinks fit, enter, inspect and examine any establishment or part thereof at any reasonable time;

(b) examine any apprentice employed therein or require the production of any register, record or other documents maintained in pursuance of this Act and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(c) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed in the establishment;

(d) exercise such other powers as may be prescribed:

Provided that a State Apprenticeship Adviser may also exercise any of the powers specified in clause (a), (b), (c) or (d) of this sub-section in relation to establishments for which the appropriate Government is the State Government. 5

(2) Notwithstanding anything in sub-section (1), no person shall be compelled under this section to answer any question or make any statement which may tend directly or indirectly to incriminate him.

Offences and penalties.

30. (1) If any employer—

(a) engages as an apprentice a person who is not qualified¹⁰ for being so engaged, or

(b) fails to carry out the terms and conditions of a contract of apprenticeship, or

(c) contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under¹⁵ those provisions,

he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(2) If any employer or any other person—

(a) required to furnish any information or return—²⁰

(i) refuses or neglects to furnish such information or return, or

(ii) furnishes or causes to be furnished any information or return which is false and which he either knows or believes to be false or does not believe to be true, or²⁵

(iii) refuses to answer, or gives a false answer to any question necessary for obtaining any information required to be furnished by him, or

(b) refuses or wilfully neglects to afford the Central or the State Apprenticeship Adviser any reasonable facility for making³⁰ any entry, inspection, examination or inquiry authorised by or under this Act, or

(c) requires an apprentice to work overtime without the approval of the Apprenticeship Adviser, or

(d) employs an apprentice on any work which is not³⁵ connected with his training, or

(e) makes payment to an apprentice on the basis of piece-work, or

(f) requires an apprentice to take part in any output bonus or incentive scheme,

he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

5 31. If any employer or any other person contravenes any provision of this Act for which no punishment is provided in section 30 he shall be punishable with fine which may extend to rupees five hundred. Penalty where no specific penalty is provided.

10 32. (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

15 Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

20 (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary, or other officer shall 25 also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

30 (a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

33. No court shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint thereof in Cognizance of offences. writing made by the Apprenticeship Adviser within six months 35 from the date on which the offence is alleged to have been committed.

Delegation
of powers

34. The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also—

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(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification; and

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(b) where the appropriate Government is the State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.

Construction
of refer-
ences.

35. (1) Any reference in this Act or in the rules made thereunder to the Apprenticeship Council shall, unless the context otherwise requires, mean in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Council and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Council.

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(2) Any reference in this Act or in the rules made thereunder to the Apprenticeship Adviser shall, unless the context otherwise requires,—

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(a) mean in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Adviser and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Adviser;

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(b) be deemed to include a Deputy or Assistant Apprenticeship Adviser performing the functions of the Apprenticeship Adviser assigned to him under sub-section (2) of section 27.

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Protection of
action taken
in good
faith.

36. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

37. (1) The Central Government may, after consulting the Central Apprenticeship Council, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19 of 1850.

38. The Apprentices Act, 1850 is hereby repealed.

Repeal.

THE SCHEDULE

(See section 16)

MODIFICATIONS IN THE WORKMEN'S COMPENSATION ACT, 1923 IN ITS APPLICATION TO APPRENTICES UNDER THE APPRENTICES ACT, 1961

In the Workmen's Compensation Act, 1923,—

(1) in section 2,—

(a) for clause (e), substitute—

'(e) "employer" means an employer as defined in the Apprentices Act, 1961, who has engaged one or more apprentices;'

(b) omit clause (k);

(c) for clause (m), substitute—

'(m) "wages" means the stipend payable to an apprentice under section 13(1) of the Apprentices Act, 1961;'

(d) for clause (n), substitute—

'(n) "workman" means any person who is engaged as an apprentice as defined in the Apprentices Act, 1961, and who in the course of his apprenticeship training is employed in any such capacity as is specified in Schedule II;'

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- (2) *omit* section 12;
 - (3) *omit* section 15;
 - (4) *omit* the proviso to section 21(1);
 - (5) *omit* the words "or a registered Trade Union" in section 24; 5
 - (6) *omit* clause (d) in section 30(1);
 - (7) *omit* clauses (vi), (xi), (xiii), (xvii), (xviii), (xx), (xxii), (xxiv), (xxv) and (xxxi) in Schedule II.

STATEMENT OF OBJECTS AND REASONS

The question of undertaking legislation for regulating the training of apprentices in industry has been under the consideration of the Government for a long time. Expert Committees which went into the question have recommended such legislation. Although certain establishments in the public and private sectors have been carrying out programmes of training of skilled workers on a systematic basis, industry in general has not as yet fully organised such programmes. In the context of the Five Year Plans and the large scale industrial development of the country, there is an increasing demand for skilled craftsmen. The Government consider that it is necessary fully to utilise the facilities available for the training of apprentices and to ensure their training in accordance with the programmes, standards and syllabi drawn up by expert bodies. The Bill is intended to give effect to these objects.

NEW DELHI;

GULZARILAL NANDA.

The 4th August, 1961.

FINANCIAL MEMORANDUM

The clauses of the bill involving expenditure are 8(6), 9, 10 and 13.

2. There will be two types of apprentices—(i) those who will undergo full-length apprenticeship training; and (ii) those who have passed the trade tests conducted by the National Council for Training in Vocational Trades after undergoing the prescribed institutional training and have to undergo a further course of short-term in-plant training for qualifying themselves for the grant of the National Trade Certificate. As regards the first category, the total expenditure involved on the part of the Government will be about Rs. 164 lakhs during the Third Plan Period. The liability of the Central Government will be about Rs. 98 lakhs and the balance will be met by the State Governments. Regarding the second category, there will be no additional expenditure as the trainees will continue to draw their normal stipends during the period of in-plant training the cost of which will be borne by the industrial units imparting the training.

3. The existing National Apprenticeship Training Scheme which is being run on a voluntary basis would have cost the Central Government Rs. 112 lakhs for an identical number of trainees, as against an expenditure of Rs. 98 lakhs expected to be incurred under the proposed Scheme.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 37 of the Bill empowers the Central Government to make rules, after consulting the Central Apprenticeship Council, for carrying out the purposes of the Act. Such rules will be necessary for prescribing the forms of the records to be maintained by the employers and the returns to be submitted by them and for regulating other matters of detail or procedure. Rules made under this clause may also provide that a contravention of any such rule shall be punishable with fine up to fifty rupees.

The delegation of legislative power is of a normal character

M. N. KAUL,
Secretary.

